

**REGULAR MEETING  
OF  
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Chairman Dallas Winslow in the Hearing Room, Public Service Commission, 861 Silver Lake Boulevard, Dover, Delaware, on Tuesday, April 16, 2019, at 1:00 p.m. with the following Commissioners in attendance: Joann Conaway, Harold Gray, Manubhai “Mike” C. Karia, and Kim Drexler.

The following Staff members were in attendance: Dr. Raj Barua, Matthew Hartigan, Constance McDowell, Donna Nickerson, Samantha Hemphill, Malika Davis, Pamela Knotts, James McC. Geddes, Esq., Deputy Attorney Generals Thomas Walsh, Esq., and Robert Willard, Esq.

Before the start of the meeting Chairman Winslow thanked Delmarva Power & Light Company for the hard work restoring electric service in Sussex County to all the residents that was effected during the tornado that hit in the areas of Seaford and Laurel on Monday, April 15, 2019.

Commissioner Drexler moved to approve the meeting minutes from the April 2, 2019 meeting; the motion was seconded by Commissioner Gray and approved 5-0.

2. CONSENT AGENDA ITEMS

A motion was made by Commissioner Conaway to adopt the following Consent Agenda items as presented:

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC.  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE  
WATER SERVICES PURSUANT TO 26 *DEL. C.* § 203C (OLDCHURCH26.02A,  
OLDCHURCH26.02B, CAMP83.00, CAMP101.00A & CAMP101.00B) (FILED  
FEBRUARY 14, 2019) – PSC DOCKET NO. 19-0085

---

- Commission considered Staff Memorandum and Proposed Order No. 9366.

THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC.  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO  
PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* § 203C  
 (“ROXANA22.00, GUM49.02, WHITEOAK150.00, FRANKFORD12.00, &  
CAMP95.00”) (FILED FEBRUARY 14, 2019) - PSC DOCKET NO. 19-0084

---

- Commission considered Staff Memorandum and Proposed Order No. 9367.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C. § 203C* (CAMP118.00, DIRICKSON16.00, PARKERHOUSE18.03 & REDOAK127.00)  
(FILED FEBRUARY 21, 2019)- PSC DOCKET NO. 19-0104

- Commission considered Staff Memorandum and Proposed Order No. 9368.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C. § 203C* (CENTRAL24.00, GORDON18.00 & ROXANA20.11)(FILED FEBRUARY 21, 2019) – PSC DOCKET NO. 19-0105

- Commission considered Staff Memorandum and Proposed Order No. 9372.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER AND LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFFS (FILED MARCH 22, 2019) – PSC DOCKET NO. 19-0171

- Commission considered Staff Memorandum and Proposed Order No. 9369.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C. § 203C* (“BAYARD7.08, BAYARD7.14, & BAYARD7.16”)(FILED JANUARY 10, 2018) – PSC DOCKET NO. 19-0021

- Commission considered Staff Memorandum and Proposed Order No. 9374.

IN THE MATTER OF the APPLICATION OF SUSSEX COUNTY, DELAWARE FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C. § 203C* (“ELLENDALE WATER DISTRICT”) (FILED MARCH 28, 2019) – PSC DOCKET NO. 19-0181

- Commission considered proposed Order No. 9374.

The motion was seconded by Commissioner Gray and approved 5-0.

### 3. REGULAR AGENDA ITEMS

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR AN INCREASE IN NATURAL GAS BASE RATES  
(FILED AUGUST 17, 2017) – PSC DOCKET NO. 17-0978

- Robert Willard, Esq. appeared on behalf of the Commission.
- James McC. Geddes, Esq., and Thomas Walsh, Esq., appeared on behalf of Staff.
- Andrew Slater and Gina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- R. J. Scaggs, Esq., Morris, Nichols, Arsht & Tunnell LLP and Todd Goodman, Esq., appeared on behalf of Delmarva Power & Light Company.

- A motion was made by Commissioner Gray and seconded by Commissioner Conaway denying Delmarva Power & Light Company's motion for continuance; the motion was approved 4-1. Commissioner Drexler opposed the motion.
- A motion was made by Chairman Winslow and seconded by Commissioner Gray to enter into executive session to receive legal advice of a privileged or confidential nature. This information is not a matter of public record as defined in 29 *Del. C.* §10002 (l) (2); motion was approved 5-0.
- A motion was made by Commissioner Karia and seconded by Commissioner Drexler to exit the Executive Session; the motion was approved 5-0.
- A motion was made by Commissioner Drexler and seconded by Commissioner Conaway to decline the recommendations of the Hearing Examiner. The Commission then remanded it back to the Hearing Examiner to examine the appropriate standard and rejecting the business judgment rule finding in this matter; the motion was approved 4-0. Commissioner Gray abstained.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF APPLICATION OF DELMARVA POWER & LIGHT COMPANY TO REVISE THE UTILITY FACILITY RELOCATION CHARGE ("UFRC") RATE TO RECOVER COSTS ASSOCIATED WITH THE RELOCATION OF ELECTRIC UTILITY FACILITIES PURSUANT TO 26 *DEL. C.* §315 (FILED NOVEMBER 29, 2016; AMENDED DECEMBER 6, 2016) – PSC DOCKET NO. 16-1083

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY TO REVISE THE RATE FOR THE UTILITY FACILITY RELOCATION CHARGE ("UFRC") TO RECOVER COSTS INCURRED IN CONNECTION WITH THE RELOCATION OF ELECTRIC UTILITY FACILITIES (FILED MAY 31, 2017) – PSC DOCKET NO. 17-0401

- Robert Willard, Esq. and Pamela Knotts appeared on behalf of Staff.
- Lindsay Orr, Esq., appeared on behalf of Delmarva Power & Light Company.
- Andrew Slater and Gina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Gray and seconded by Commissioner Karia approving proposed Order No. 9370 as submitted; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF REQUEST FOR APPROVAL OF DELMARVA POWER & LIGHT COMPANY'S 2019-2020 STANDARD OFFER SERVICE RATES, PROCUREMENT COST ADJUSTMENT AND RARM FILING (FILED MARCH 26, 2019) - PSC DOCKET NO. 19-0174

- Robert Willard, Esq., appeared on behalf of Staff.
- Lindsay Orr, Esq., appeared on behalf of Delmarva Power & Light Company.
- Andrew Slater and Gina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.

- A motion was made by Commissioner Drexler and seconded by Commissioner Conaway approving proposed Order No. 9371 as presented; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PROVISION OF RENEWABLE ENERGY PORTFOLIO STANDARD'S COMPLIANCE CHARGE TO RETAIL CONSUMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT COMPANY  
(FILED MARCH 26, 2019) - PSC DOCKET NO. 19-0175

- Thomas Walsh, Esq., appeared on behalf of Staff.
- Lindsay Orr, Esq., appeared on behalf of Delmarva Power & Light Company.
- Andrew Slater and Gina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Karia and seconded by Commissioner Gray approving proposed Order No. 9373 to open docket; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

4. HEARING SCHEDULE

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF MODIFICATIONS TO ITS GAS COST RATES  
(FILED AUGUST 24, 2019) – PSC DOCKET NO. 18-1049

- James McC. Geddes, Esq., and Malika Davis appeared on behalf of Staff.
- Lindsay Orr, Esq., and James B. Jacoby appeared on behalf of Delmarva Power & Light Company.
- Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- The Exhibit Log was entered into record with no objections.
- A motion was made by Commissioner Gray and seconded by Commissioner Drexler approving settlement agreement; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

Before continuing with Director's comments, Chairman Winslow announced that Matt Hartigan, Malika Davis, and Dimitar Kozhuharov joined him at the OPSI meeting in Columbus, Ohio, and wanted to express his gratitude for all their hard work learning about PJM issues.

5. DIRECTOR'S COMMENTS

- Dr. Barua announced that he wanted all parties understanding and commitment that the Commission is to receive all material two weeks in advance of all upcoming Commission meetings. The Order memorializing the Commission's decision regarding Docket No. 17-0978 will be ready by next week so Staff can get this to the Commissioners along with any other material for the next Commission meeting of May 7, 2019. Mr. Todd Goodman, Esq., of Delmarva Power & Light Company gave his commitment to having material done as required by the Commission.

- Dr. Barua announced that there would be an Evidentiary Hearing regarding Docket No. 19-0080, DP&L, 2019 Program for the Procurement of Solar Renewable Energy, May 7, 2019, 1:00 P.M. at the Dover office.
- Dr. Barua announced a schedule change to the Commission calendar regarding Tuesday, September 24, 2019 meeting. Due to the MARUC Commissioners-only meeting from September 22 to September 25, the Commission meeting of Tuesday, September 24, 2019, will be rescheduled to Thursday, September 26, 2019. The Chairman and Commissioners agreed to this change.
- Dr. Barua also announced that Staff joined a filing by the New Jersey Board and Pennsylvania Commission before the FERC that the Chairman agreed to in the OPSI meeting regarding the Market Monitor's complaint against PJM; a memo from Dimitar Kozhuharov summarizing this filing was given to the Commissioners earlier today.

This meeting was adjourned at approximately at 3:58 P.M.

Respectfully submitted,

/s/Donna Nickerson  
Secretary